

MONDAY, DECEMBER 15, 1997

At 9:30 a.m., the court met in the Library & Courts Building to begin its regular court calendar.

PRESENT: BLEASE, Acting Presiding Justice
SCOTLAND, Associate Justice
RAYE, Associate Justice

Bailiff Palmer.
Calendar called.

Civil N. L. PROPERTIES, INC.
No. vs.
C025120 G. B. GROOMING, INC. ET AL.

Cause called. Peter J. Stubbs argued for Defendants-Appellants.
Candice B. Harper, of Trainor.Robertson argued for Plaintiff-Respondent.
Cause submitted.

At 9:47 a.m., court recessed. At 9:50 a.m. court reconvened with
Acting Presiding Justice Blease, Associate Justice Davis and Associate
Justice Nicholson.

Crim. THE PEOPLE
No. vs.
C023729 THERESA GLORIA ALEGRE

Cause called. Rommel Bondoc argued for Defendant-Appellant.
Maureen A. Daly, Deputy Attorney General argued for Plaintiff-
Respondent. Cause submitted.

At 10:14 a.m., court recessed. At 10:15 a.m. court reconvened with
the same panel except Associate Justice Raye in place of Associate Justice
Nicholson.

MONDAY, DECEMBER 15, 1997 CONTINUED

Civil NORCAL REALTY PARTNERS

No. vs.

C024355 FIDELITY NATIONAL TITLE INSURANCE ETC.

Cause called. Howard J. Stagg, IV, of the Law Offices of Howard J. Stagg argued for X-Comp-Appellant. John S. Pasco, Jr. argued for X-Defendant-Respondent. Cause submitted.

At 10:48 a.m., court recessed. At 10:49 a.m. court reconvened with Presiding Justice Puglia, Associate Justice Raye and Associate Justice Callahan.

Civil MARY E. TADENA-ORCA

No. vs.

C024318 REGENTS OF THE UNIVERSITY ETC. ET AL.

Cause called. Carlos M. Alcala, of Alcala & Velez argued for Plaintiff-Appellant. Charity Kenyon, of Diepenbrock, Wulff, Plant & Hannegan argued for Defendants-Respondents. Cause submitted.

At 11:11 a.m., court recessed. At 2:00 p.m. court reconvened with Acting Presiding Justice Davis, Associate Justice Nicholson and Associate Justice Raye.

Civil NBS IMAGING SYSTEMS, INC.

No. vs.

C024030 STATE BOARD OF CONTROL ET AL.
POLAROID CORPORATION ET AL.

Cause called. Kathyleen A. O'Brien, of Sheppard, Mullin, Richter & Hampton argued for Real Party In Interest Polaroid Corporation. Catherine A. Close, General Counsel argued for Defendant-Appellant State Board of Control. Eileen Gray, Deputy Attorney General argued for Defendants-Appellants Peter G. Stamison. Michael Franchetti, of Franchetti & Franchetti argued for Plaintiff-Respondent. Tiffany Franchetti, of Franchetti & Franchetti argued for Plaintiff-Respondent. Charity Kenyon appeared on behalf of Real Party In Interest Polaroid Corporation but did not argue. Sandra J. McNabb appeared on behalf of Real Party In Interest AT&T Global Solutions. Cause submitted.
(Consolidated w/ C024822)

MONDAY, DECEMBER 15, 1997 CONTINUED

Civil NBS IMAGING SYSTEMS, INC. ET AL
 No. vs.
 C024822 SALLY REED, AS DIRECTOR, ETC. ET AL.

Cause called. Kathyleen A. O'Brien argued for Real Party In Interest-Appellant. Eileen Gray, Deputy Attorney General argued for Defendants-Appellants. Michael & Tiffany Franchetti, of Franchetti & Franchetti argued for Plaintiffs-Respondents. Robert M. Shore appeared on behalf of Real Party In Interest-Appellant but did not argue. Cause submitted. (Consolidated w/ C024030)

At 3:14 p.m., court recessed. At 3:15 p.m. court reconvened with the same panel except Acting Presiding Justice Blease in place of Associate Justice Nicholson.

Civil ASSURANCE COMPANY OF AMERICA
 No. vs.
 C025545 BREMCO CONSTRUCTION, INC. ET AL.

Cause called. James C. Nielsen, of Wright, Robinson, Osthimer & Tatum argued for Plaintiff-Appellant. Norman J. Roger, of Roger, Scott & Helmer argued for Defendants-Respondents. Cause submitted.

At 3:35 p.m., court recessed. At 3:36 p.m. court reconvened with Acting Presiding Justice Blease, Associate Justice Sims and Associate Justice Scotland.

Crim. THE PEOPLE
 No. vs.
 C024220 MICHAEL JOHN PALUCK

Cause called. Deborah Tuttelman, court appointed counsel argued for Defendant-Appellant. No appearance was made on behalf of Plaintiff-Respondent as argued having been previously waived and approved. Cause submitted.

Court recessed at 3:42 p.m. until 9:30 a.m., Tuesday, December 16, 1997.

MONDAY, DECEMBER 15, 1997 CONTINUED

Civil BARBARA WEST
No. vs.
C026561 SUPERIOR COURT, SACRAMENTO COUNTY
 PAMELA LOCKREM
 By the Court:
 Real Party in Interest's petition for rehearing is denied.
Dated: December 15, 1997

PUGLIA, P.J.

Civil CALIFORNIA TEACHERS' ASSOCIATION ET AL.
No. vs.
C019678 STATE OF CALIFORNIA ET AL.
 By the Court:
 Appellants' petition for rehearing is denied.
Dated: December 15, 1997

SIMS, J.

I would grant the rehearing.

PUGLIA, P.J.

Juvenile In re DELIGHLA G., A Person under the Juvenile Court Law
No. SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN
C026960 SERVICES (Not for Publication)
 vs.
 MARIZELA G.

The order of the juvenile court terminating appellant's parental rights
is affirmed.

PUGLIA, P.J.

We concur: SCOTLAND, J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025807 DANIEL ROBERT BRITTON
 The judgment is affirmed.

PUGLIA, P.J.

We concur: NICHOLSON, J.
 CALLAHAN, J.

MONDAY, DECEMBER 15, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026886 DOUGLAS JORDAN SMITH

The judgment is affirmed.

PUGLIA, P.J.

We concur: SCOTLAND, J.

RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025830 RONALD BRUCE AYERS

The judgment is affirmed.

PUGLIA, P.J.

We concur: NICHOLSON, J.

CALLAHAN, J.

Juvenile In re ANDREW B., A Person under the Juvenile Court Law
No. YOLO COUNTY DEPARTMENT OF SOCIAL SERVICES

C026752 vs. (Not for Publication)

ELDON R.

The order of the juvenile court transferring the case to Solano
County is affirmed.

PUGLIA, P.J.

We concur: DAVIS, J.

MORRISON, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025077 TEDDY LEON BITTLE

The judgment is affirmed.

SIMS, Acting P.J.

We concur: DAVIS, J.

MORRISON, J.

MONDAY, DECEMBER 15, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025269 ROBERT DENNIS MCPHUN

The judgment is affirmed.

PUGLIA, P.J.

We concur: SCOTLAND, J.

RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025091 LENNI WILKES

The judgment is affirmed.

SIMS, Acting P.J.

We concur: DAVIS, J.

MORRISON, J.

MONDAY, DECEMBER 15, 1997 CONTINUED

Crimn. THE PEOPLE (Not for Publication)

No. vs.

C025654 DAVID THOMAS SHANKS

The judgment is affirmed.

PUGLIA, P.J.

We concur: SCOTLAND, J.

RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025753 GEORGE HARRY JONES

The judgment is affirmed.

PUGLIA, P.J.

We concur: DAVIS, J.

MORRISON, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026183 GERALD LEON FISHER

The judgment is affirmed.

SIMS, Acting P.J.

We concur: DAVIS, J.

MORRISON, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026813 JAMIE DEAN JANUARY

The judgment is affirmed.

PUGLIA, P.J.

We concur: SCOTLAND, J.

RAYE, J.

MONDAY, DECEMBER 15, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025229 VICKIE LYNN BARNES

The judgment is affirmed.

PUGLIA, P.J.

We concur: NICHOLSON, J.
CALLAHAN, J.

TUESDAY, DECEMBER 16, 1997

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of its regular appeals calendar.

PRESENT: SIMS, Acting Presiding Justice
RAYE, Associate Justice
MORRISON, Associate Justice

Bailiff Conrad
Calendar called.

Civil JOHN TRINKLE ET AL.

No. vs.

C024840 JAY R. STROH, AS DIRECTOR, ETC. ET AL.

Cause called. William D. Thomson, of Estrada & Thomson argued for Plaintiffs-Appellants. Jill Buttram, Deputy Attorney General argued for Defendants-Respondents. Cause submitted.

At 9:48 a.m., court recessed. At 9:50 a.m. court reconvened with Presiding Justice Puglia, Associate Justice Davis and Associate Justice Callahan.

TUESDAY, DECEMBER 16, 1997 CONTINUED

Civil SHERAYA CLEMENTE, A Minor, ETC. ET AL.

No. vs.

C024509 DENNIS G. AMUNDSON, ETC. ET AL.
NORTH BAY REGIONAL CENTER

Cause called. Michael J. Kluk, of Protection & Advocacy, Inc. argued for Plaintiffs-Appellants Inc. Eric Gelber appeared on behalf of Plaintiffs-Appellants Inc. but did not argue. Kathy M. Banke, of Crosby, Heafey, Roach & May argued for Real Party In Interest-Respondent. Margarita Altamirano, Deputy Attorney General argued for Defendants-Respondents. Cause submitted.

At 10:25 a.m., court recessed. At 10:28 a.m. court reconvened with Acting Presiding Justice Sims, Associate Justice Nicholson and Associate Justice Raye.

Crim. THE PEOPLE

No. vs.

C023464 PETER JOSEPH ROSE

Cause called. Charles M. Bonneau argued for Defendant-Appellant. Regina Silva, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 10:48 a.m., court recessed. At 10:52 a.m. court reconvened with Acting Presiding Justice Sims, Associate Justice Davis and Associate Justice Scotland.

Civil DENNIS SILVIA ET AL.

No. vs.

C024786 LODI MEMORIAL HOSPITAL

Cause called. Robert W. Lucas, of Rickards & Lucas argued for Plaintiffs-Appellants. S. Thomas Todd, of Horvitz & Levy argued for Defendant-Respondent. Cause submitted.

TUESDAY, DECEMBER 16, 1997 CONTINUED

At 11:07 a.m., court recessed. At 2:01 p.m. court reconvened with Acting Presiding Justice Sims, Associate Justice Nicholson and Associate Justice Raye.

Crim. THE PEOPLE
No. vs.
C024734 CLIFFORD BRADLEY THOMPSON

Cause called. Linda A. Leavitt, court appointed counsel argued for Defendant-Appellant. Maureen A. Daly, Deputy Attorney General argued for Plaintiff-Respondent with additional citations. Cause submitted.

At 2:30 p.m., court recessed. At 2:33 p.m. court reconvened with Acting Presiding Justice Sims, Associate Justice Morrison and Associate Justice Callahan.

Civil MARRIAGE OF HENDERSON
No. DAVID C. HENDERSON
C025252 vs.
MELANIE REIGER HENDERSON

Cause called. Melanie Rieger, of Brody & Hughes argued for herself in pro per as Appellant. David M. Shell appeared on behalf of Appellant but did not argue. David C. Henderson, District Attorney, Yolo County argued for himself in pro per as Respondent. Cause submitted.

At 2:52 p.m., court recessed. At 2:59 p.m. court reconvened with the same panel except Associate Justice Raye in place of Associate Justice Morrison.

Civil CHRISTINE PEATROSS
No. vs.
C024797 BROOKE ROBERTS ET AL.

Cause called. Laura M. Hagan, of the Law Office of Paul S. Rudder argued for Plaintiff-Appellant. Randall L. Gephart, of Lampi, Gephart & Silverman argued for Defendant-Respondent Brooke Roberts. No appearance was made on behalf of Defendant-Respondent Honeywell as argued having been previously waived and approved. Cause submitted.

TUESDAY, DECEMBER 16, 1997 CONTINUED

Court recessed at 3:26 p.m. until 9:30 a.m., Thursday, December 18, 1997.

Crim. THE PEOPLE
No. vs.
C023863 JOHN DAVID LITTLE
By the Court:
Appellant's petition for rehearing is denied.
Dated: December 16, 1997

DAVIS, Acting P.J.

Civil WILLIAM FLUHARTY
No. vs.
C021772 JACK FLUHARTY
THE COURT:

.....This modification does not affect the judgment. The petition for rehearing is denied.

BY THE COURT:
PUGLIA, P.J.
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C026545 DAMON EDWARD BECKER
The judgment is affirmed.

DAVIS, J.

We concur: SIMS, Acting P.J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C026068 KEITH THOMAS COLVIN
The judgment is affirmed.

SIMS, J.

We concur: PUGLIA, P.J.
RAYE, J.

TUESDAY, DECEMBER 16, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C023997 RICHARD ALBERT BRINKMAN

One of defendant's two serious felony conviction enhancements (667, subd. (a)) is stricken. The judgment is otherwise affirmed. The trial court is directed to amend the abstract of judgment and send a copy of the amended abstract to the Department of Corrections.

SIMS, Acting P.J.

We concur: NICHOLSON, J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025310 FRANK MOLINA MARTINEZ, JR.

The trial court's calculation of presentence conduct credits is vacated and the matter is remanded to the trial court for a hearing to determine the number of presentence conduct credits defendant is entitled to. In all other respects, the judgment affirmed.

DAVIS, J.

We concur: SIMS, Acting P.J.
SCOTLAND, J.

Civil ENDANGERED HABITATS LEAGUE INC. ET AL.

No. vs. (Not for Publication)

C023259 STATE WATER RESOURCES CONTROL BOARD ET AL.
RIVERSIDE COUNTY FLOOD ETC. DISTRICT ET AL.

The judgment granting the writ of mandate is modified by the addition of the following language. The court retains jurisdiction to ensure compliance with this judgment. The writ shall command that a return be filed on or before. (date) The judgment, as modified, is affirmed. Habitat shall recover costs.

MORRISON, J.,

We concur: SIMS, Acting P.J.
DAVIS, J.

WEDNESDAY, DECEMBER 17, 1997

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026442 HAROLD LEE MERRITT

The judgment is affirmed.

SIMS, Acting P.J.

We concur: DAVIS, J.

RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026639 ALEX LEONARD AZEVEDO

The judgment is affirmed.

SIMS, Acting P.J.

We concur: DAVIS, J.

RAYE, J.

Civil COUNTY OF SHASTA (Not for Publication)

No. vs.

C026008 GARY GENE BURKE

The judgment (order) is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.

SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026820 DWAYNE LEON MCKEE

The judgment is affirmed.

RAYE, J.

We concur: SIMS, Acting P.J.

DAVIS, J.

WEDNESDAY, DECEMBER 17, 1997 CONTINUED

Civil MARY M. ET AL. (Not for Publication)
 No. vs.
 C027821 THE SUPERIOR COURT OF SACRAMENTO COUNTY
 SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN
 SERVICES ET AL.

The petition and request for stay are denied.

SIMS, Acting P.J.

We concur: DAVIS, J.
 RAYE, J.

THURSDAY, DECEMBER 18, 1997

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of its regular appeals calendar.

PRESENT: SIMS, Acting Presiding Justice Justice
 SCOTLAND, Associate Justice
 MORRISON, Associate Justice

Bailiff Palmer.
 Calendar called.

Civil WAYNE TURNER ET AL.
 No. vs.
 C021574 COUNTY OF BUTTE

Cause called. Jonathan Coupal, Director of Legal Affairs argued for Plaintiffs-Appellants. Susan Minasian appeared on behalf of Plaintiffs-Appellants but did not argue. Steven L. Mayer, of Howard, Rice, Nemerovski, Canady, Falk & Rabkin argued for Defendant-Respondent. Cause submitted.

Civil DUNCAN RAMIREZ ET AL.
 No. vs.
 C026259 CITY OF STOCKTON

Cause called. George J. Franscell, of Franscell, Strickland, Roberts & Lawrence argued for Defendant-Appellant. Albert M. Ellis, of Hakeem, Ellis & Simonelli argued for Plaintiffs-Respondents. Cause submitted.

THURSDAY, DECEMBER 18, 1997 CONTINUED

Civil MARRIAGE OF BARROW
No. RODNEY S. BARROW
C025725 vs.
 FRANKIE L. BARROW

Cause called. Michael P. Gottschalk argued for Appellant. Paige Leslie Wickland, of Fancher & Wickland argued for Respondent. Cause submitted.

At 10:26 a.m., court recessed. At 10:29 a.m. court reconvened with the same panel.

Civil CITY OF ADELANTO ET AL.
No. vs.
C020857 DEPARTMENT OF CORRECTIONS

Cause called. James E. Thompson, Kronick, Moskovitz, Tiedemann & Girard argued for Defendant-Appellant. Lyle W. Cook appeared on behalf of Defendant-Appellant but did not argue. Gary R. Ricks, of Ricks & Collins argued for Plaintiffs-Respondents City of Taft et al. Richard T. Williams, of Whitman, Breed, Abbott & Morgan argued for Plaintiffs-Respondents City of Adelanto et al. Cause submitted.

At 11:07 a.m., court recessed. At 11:10 a.m. court reconvened with the same panel except Associate Justice Raye in place of Associate Justice Sims.

Civil THE PEOPLE
No. vs.
C023562 TIMOTHY WARD

Cause called. Elaine Forrester, court appointed counsel argued for Defendant-Appellant. Timothy L. Rieger, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

THURSDAY, DECEMBER 18, 1997 CONTINUED

Court recessed at 11:29 a.m. until 9:30 a.m., Friday, December 19, 1997.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C026043 LAY CHANH SAECHAO

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: MORRISON, J.
CALLAHAN, J.

Civil CHRISTINA F. (Not for Publication)
No. vs.
C027862 THE SUPERIOR COURT OF SACRAMENTO COUNTY
SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN
SERVICES ET AL.

The petition and request for a stay are denied.

SIMS, Acting P.J.

We concur: DAVIS, J.
RAYE, J.

Civil THERESA P. (Not for Publication)
No. vs.
C027809 THE SUPERIOR COURT OF GLENN COUNTY
GLENN COUNTY DEPARTMENT OF SOCIAL SERVICES ET AL.

The petition is denied.

SIMS, Acting P.J.

We concur: DAVIS, J.
RAYE, J.

Civil JOHN TRINKLE ET AL. (Not for Publication)
No. vs.
C024840 JAY R. STROH, AS DIRECTOR, ETC. ET AL.

The judgment is affirmed. ABC shall recover its costs on appeal.

SIMS, Acting P.J.

We concur: RAYE, J.
MORRISON, J.

FRIDAY, DECEMBER 19, 1997

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of its regular appeals calendar.

PRESENT: PUGLIA, Presiding Justice
BLEASE, Associate Justice
DAVIS, Associate Justice

Bailiff Jones.
Calendar called.

Civil THOMAS BECKMAN ET AL.
No. vs.
C025376 SUPERIOR COURT, EL DORADO COUNTY
 FRANK VANCE TURNER ET AL.

Cause called Jennifer L. Deicken, of the Law Office of William C. Dresser argued for Petitioners. Franklin G. Gumpert, of Barkett, Gumpert & Reiner argued for Real Party In Interest Frank Turner. No appearance was made on behalf of Real Party In Interest County of El Dorado. Cause submitted.

At 9:56 a.m., court recessed. At 9:58 a.m. court reconvened with Presiding Justice Puglia, Associate Justice Sims and Associate Justice Scotland.

Civil DAVID BERNARD
No. vs.
C025492 BOARD OF SUPERVISORS ET AL.

Cause called. Daniel J. Sullivan argued for Plaintiff-Appellant. Martha E. Potiriades, Deputy County Counsel argued for Defendants-Respondents. Cause submitted.

At 10:20 a.m., court recessed. At 10:21 a.m. court reconvened with the same panel except Associate Justice Blease in place of Presiding Justice Puglia.

FRIDAY, DECEMBER 19, 1997 CONTINUED

Crim. THE PEOPLE
No. vs.
C022876 MIGUEL RICO

Cause called. Susan Shors, court appointed counsel argued for Defendant-Appellant. No appearance was made on behalf of Plaintiff-Respondent as argued having been previously waived and approved. Cause submitted.

At 10:22 a.m., court recessed. At 10:27 a.m. court reconvened with Presiding Justice Puglia, Associate Justice Sims and Associate Justice Morrison.

Civil PETER ALAN KASLER ET AL.
No. vs.
C017769 DANIEL E. LUNGREN ETC. ET AL.

Cause called. Don B. Kates argued for Plaintiffs-Appellants. John A. Gordnier, Deputy Attorney General argued for Defendants-Respondents. Tim L Rieger appeared on behalf of Defendants-Respondents with additional citations but did not argue. Cause submitted.

At 11:39 a.m., court recessed. At 11:41 a.m. court reconvened with the same panel except Associate Justice Blease in place of Associate Justice Sims.

Civil JEFFREY HALL ET AL.
No. vs.
C023965 BUTTE HOME HEALTH INC. ET AL.

Cause called. Joseph A. Hearst argued for Defendants-Appellants. Nels A. Christensen, of the Law Office of Christensen & Schwarz argued for Plaintiffs-Respondents. Cause submitted.

At 12:00 p.m., court recessed. At 2:03 p.m. court reconvened with Presiding Justice Puglia, Associate Justice Sims and Associate Justice Scotland.

FRIDAY, DECEMBER 19, 1997 CONTINUED

Civil ELEANOR TURNER ET AL.
 No. vs.
 C025048 COUNTY OF SAN JOAQUIN ET AL.

Cause called. Elizabeth Heller, Eto argued for Plaintiffs-Appellants. Gilberto Gutierrez, county counsel argued for Defendants-Respondents. Cause submitted.

At 2:21 p.m., court recessed. At 2:22 p.m. court reconvened with the same panel except Associate Justice Raye in place of Associate Justice Scotland.

Civil LLOYD B. NUNN ET AL.
 No. vs.
 C025671 AMY LEE NUNN

Cause called. John J. Hollenback, of the Law Offices of Jones, Cochrane, Hollenback, Nelson & Zumwalt argued for Plaintiffs-Appellants. Edwin H. Adams argued for Defendant-Respondent. Cause submitted.

At 2:28 p.m., court recessed. At 2:30 p.m. court reconvened with the same panel except Associate Justice Blease in place of Associate Justice Sims.

Civil STANLEY JANZEN ET AL. (Deceased)
 No. vs.
 C024918 WORKERS' COMPENSATION APPEALS BOARD ET AL.

Cause called. Eugene C. Treaster, of the Law Office of Eugene C. Treaster argued for Petitioners. Virginia Curtis Lee argued for Respondent Curtis. Linda Peters, Dept. of Industrial Relations argued for Respondent Aubry Etc. No appearance was made on behalf of Respondent WCAB. Cause submitted.

Court recessed at 2:52 p.m. until 9:30 a.m., Monday, December 22, 1997.

FRIDAY, DECEMBER 19, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025888 LINDA JEAN LAVOYE

The judgment is affirmed.

PUGLIA, P.J.

We concur: SCOTLAND, J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026006 JOSEPH ANDREW BAUM

The judgment is affirmed.

PUGLIA, P.J.

We concur: SCOTLAND, J.
RAYE, J.

Civil JAMES FREDRICK MYERS (Not for Publication)

No. vs.

C019668 FRANK ZOLIN, as Director, Etc.

The judgment is affirmed.

PUGLIA, P.J.

We concur: SIMS, J.
RAYE, J.

Crim. THE PEOPLE (Certified for Partial Publication)

No. vs.

C018062 MICHAEL DANIEL SARGENT, SR.

The judgment is modified to a conviction of one count of violation of section 273a, subdivision (b), a misdemeanor, and the matter is remanded to the trial court for resentencing. (See 1181, subd. 6.) Except as modified, the judgment is affirmed.

BLEASE, J.

I concur: SIMS, J.

The court holds that criminal negligence is an element of violation of Penal Code section 273a, subdivision (a), as charged.

I dissent: PUGLIA, P.J.

FRIDAY, DECEMBER 19, 1997 CONTINUED

Civil N. L. PROPERTIES, INC. (Not for Publication)
 No. vs.
 C025120 G. B. GROOMING, INC. ET AL.

The judgment against G.B. Grooming, Inc. is affirmed. The judgment against Reese is reversed. Reese shall recover the costs of his appeal.

BLEASE, Acting P.J.

We concur: SCOTLAND, J.
 RAYE, J.

MONDAY, DECEMBER 22, 1997

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of its regular appeals calendar.

PRESENT: BLEASE, Acting Presiding Justice
 NICHOLSON, Associate Justice
 CALLAHAN, Associate Justice

Bailiff Conrad.
 Calendar called.

Civil JONATHAN REEVES
 No. vs.
 C025832 GAYLE MANUFACTURING COMPANY ET AL.

Cause called. Stanley P. Fleshman, of Dreyer, Babich, Buccola & Callahan argued for Plaintiff-Appellant with additional citations. Ross E. Lampe, of Minder & Muro argued for Defendants-Respondents with additional citations. Cause submitted.

At 9:57 a.m., court recessed. At 10:00 a.m. court reconvened with the same panel except Associate Justice Sims in place of Associate Justice Blease.

MONDAY, DECEMBER 22, 1997 CONTINUED

Civil L. C. ASHCRAFT ET AL.

No. vs.

C025821 BRUCE AMES ET AL.

Cause called. Mark D. Norcross, of Moss & Enochian argued for Defendants-Appellants. Paul Bell argued for Plaintiffs-Respondents. Cause submitted.

At 10:07 a.m., court recessed. At 10:10 a.m. court reconvened with Acting Presiding Justice Blease, Associate Justice Scotland and Associate Justice Nicholson.

Civil LILY RHYNES

No. vs.

C023964 ELOISE ANDERSON, AS DIRECTOR, ETC.

Cause called. Daphne L Macklin, Legal Services of Northern California argued for Plaintiff-Appellant. Thomas Yanger, Deputy Attorney General argued for Defendant-Respondent. Cause submitted.

At 10:50 a.m., court recessed. At 10:55 a.m. court reconvened with Acting Presiding Justice Blease, Associate Justice Morrison and Associate Justice Callahan.

Crim. THE PEOPLE

No. vs.

C024462 LAURENCE EDWIN HARRIS

Cause called. A. M. Weisman, court appointed counsel argued for Defendant-Appellant. Jean M. Marinovich, Deputy Attorney General argued for Plaintiff-Respondent with additional citations. Cause submitted.

At 11:17 a.m., court recessed. At 2:03 p.m. court reconvened with Acting Presiding Justice Blease, Associate Justice Scotland and Associate Justice Nicholson.

MONDAY, DECEMBER 22, 1997 CONTINUED

Civil THEODORE P. MANOS ET AL.

No. vs.

C023164 FRUIT GROWERS SUPPLY COMPANY ET AL.

Cause called. Clyde Small argued for Plaintiffs-Appellants. Mark D. Norcross, of Moss & Enochian argued for Defendants-Respondents. Cause submitted.

At 2:33 p.m., court recessed. At 2:36 p.m. court reconvened with Acting Presiding Justice Nicholson, Associate Justice Morrison and Associate Justice Callahan.

Crim. THE PEOPLE

No. vs.

C026683 ARMANDO PEREZ-SORIA

Cause called. Arturo Hernandez argued for Defendant-Appellant. J. Robert Jibson, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

Court adjourned at 2:50 p.m. until 9:30 a.m., Tuesday, January 20, 1998.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026154 JUSTINO GUADALUPE MEZA

The judgment is affirmed.

RAYE, J.

We concur: SIMS, Acting P.J.

DAVIS, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025732 GEOFFREY TODD HOWARD

The judgment is affirmed.

RAYE, J.

We concur: SIMS, Acting P.J.

DAVIS, J.

MONDAY, DECEMBER 22, 1997 CONTINUED

Civil NORCAL REALTY PARTNERS (Not for Publication)

No. vs.

C024355 FIDELITY NATIONAL TITLE INSURANCE, ETC.

The order dismissing NorCal's first amended cross-complaint is affirmed. The order granting attorney fees to Fidelity is reversed. Each party shall bear its own costs on appeal.

RAYE, J.

We concur: BLEASE, Acting P.J.
DAVIS, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026275 EDWARD ABSTON

The judgment is affirmed.

PUGLIA, P.J.

We concur: SIMS, J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C022816 KENNETH ALLEN NEIGHBORS

Two of the five-year enhancements are stricken. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect this modification and to show that the one five-year enhancement is imposed pursuant to section 667, subdivision (a). The trial court is further directed to send a copy of the amended abstract to the Department of Corrections.

SCOTLAND, J.

We concur: PUGLIA, P.J.
DAVIS, J.

MONDAY, DECEMBER 22, 1997 CONTINUED

Civil WAYNE TURNER ET AL (Not for Publication)
No. vs.
C021574 COUNTY OF BUTTE

The judgment is reversed, and the matter is remanded to the trial court with directions to dismiss the action as moot. The parties shall bear their own costs on appeal.

SCOTLAND, J.

We concur: SIMS, Acting P.J.
 MORRISON, J.

Civil HOSSAM BUZGHEIA (Certified for Partial Publication)
No. vs.
C017627 LEASCO SIERRA GROVE ET AL.

The judgment is reversed and the cause is remanded to the trial court for further proceedings not inconsistent with this opinion. The parties shall bear their own costs.

MORRISON,

We concur: NICHOLSON, Acting P.J.
 SPARKS, J.*

Retired Associate Justice of the Court of Appeal, Third District,
assigned by the Chief Justice pursuant to article VI, section 1 of the
California Constitution.

Civil JEFFREY HALL ET AL. (Certified for Publication)
No. vs.
C023965 BUTTE HOME HEALTH, INC. ET AL.

The judgment is reversed and the matter remanded to the trial court with directions to enter judgment in favor of defendant. Defendant to recover costs on appeal.

PUGLIA, P.J.

We concur: BLEASE, J.
 MORRISON, J.

MONDAY, DECEMBER 22, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C023464 PETER JOSEPH ROSE

The judgment is affirmed.

RAYE, J.

We concur: SIMS, Acting P.J.
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026568 ELISEIO HERNANDEZ ARROYO

The judgment is affirmed. The trial court is directed to amend the abstract of judgment in accordance with this opinion and to send a copy of the amended abstract to the Department of Corrections.

RAYE, J.

We concur: SIMS, Acting P.J.
DAVIS, J.

Civil CHRISTINE PEATROSS (Not for Publication)

No. vs.

C024797 BROOKE ROBERTS ET AL.

The judgment is affirmed.

CALLAHAN, J.

We concur: SIMS, Acting P.J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026610 LANDIS DOMINO

The judgment is affirmed.

SIMS, Acting P.J.

We concur: DAVIS, J.
RAYE, J.

MONDAY, DECEMBER 22, 1997 CONTINUED

Civil MARY E. TADENA-ORCA (Not for Publication)
 No. vs.
 C024318 THE REGENTS OF THE UNIVERSITY OF CALIFORNIA ET AL.
 The judgment is affirmed.

CALLAHAN, J.

We concur: PUGLIA, P.J.
 RAYE, J.

Civil DAVID BERNARD (Not for Publication)
 No. vs.
 C025492 SACRAMENTO COUNTY BOARD OF SUPERVISORS ET AL.
 The judgment is affirmed. The County shall recover its costs on
 appeal.

SIMS, J.

We concur: PUGLIA, P.J.
 SCOTLAND, J.

Civil NBS IMAGING SYSTEMS, INC. (Certified for Publication)
 No. vs.
 C024030 STATE BOARD OF CONTROL ET AL.
 C024822 POLAROID CORPORATION ET AL.
 NBS IMAGING SYSTEMS, INC. ET AL.
 vs.

SALLY REED, AS DIRECTOR, ETC. ET AL.

POLAROID CORPORATION (Certified for Publication)

The judgment in case number 96CS00148 is reversed and the
 peremptory writ of mandate is vacated. The superior court is directed to
 enter a new and different judgment denying the writ petition. The judgment
 (order) in case number 96AS03485, granting the preliminary injunction, is
 vacated with directions to enter a new and different order denying NBS's
 application. Appellants shall recover their costs on appeal in both actions.

NICHOLSON, J.

We concur: DAVIS, Acting P.J.
 RAYE, J.

NICHOLSON, J.

SCOTLAND, J.

PUGLIA, P.J.

NICHOLSON, J.

TUESDAY, DECEMBER 23, 1997

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026683 ARMANDO PEREZ-SORIA

The judgment is affirmed.

MORRISON, J.

We concur: NICHOLSON, Acting P.J.

CALLAHAN, J.

Civil LLOYD B. NUNN, ET AL. (Not for Publication)

No. vs.

C025671 AMY LEE NUNN

The judgment is affirmed. Respondent shall recover her costs on appeal.

SIMS, J.

We concur: PUGLIA, P.J.

RAYE, J.

Civil ASSURANCE COMPANY OF AMERICA (Not for Publication)

No. vs.

C025545 BREMCO CONSTRUCTION, INC. ET AL

The judgment is affirmed.

DAVIS, J.

We concur: BLEASE, Acting P.J.

RAYE, J.

Civil DUNCAN RAMIREZ ET AL. (Not for Publication)

No. vs.

C026259 CITY OF STOCKTON

The judgment is affirmed.

MORRISON, J.

We concur: SIMS, Acting P.J.

SCOTLAND, J.

TUESDAY, DECEMBER 23, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025144 SANTIAGO JIMENEZ

The judgment is affirmed.

MORRISON, J.

I concur: DAVIS, Acting P.J.

I concur in the result:

RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C023729 THERESA GLORIA ALEGRE

The judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting that the sentence for defendant's kidnapping conviction has been stayed pursuant to Penal Code section 654, and to forward a copy of that amended abstract of judgment to the Department of Corrections.

DAVIS, J.

We concur: BLEASE, Acting P.J.

NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C023562 TIMOTHY WARD

The convictions are affirmed. The sentence is vacated, and the matter is remanded to the trial court to allow it to exercise its discretion whether to strike defendant's prior felony conviction. If the trial court strikes the prior, it shall resentence defendant. If the trial court declines to strike the prior, it shall reinstate the sentence previously imposed.

RAYE, J.

We concur: SCOTLAND, Acting P.J.

MORRISON, J.

TUESDAY, DECEMBER 23, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026299 DENNIS GEORGE BACA

The judgment is affirmed.

DAVIS, J.

We concur: SIMS, Acting P.J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025987 ANTONIO VALENCIA MORA AND ANTONIO RUIZ BARAJAS

C026146 The judgments are affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026640 VANESSA MINKINS

The order is affirmed.

RAYE, J.

We concur: DAVIS, Acting P.J.
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025309 DAVID JONATHAN AUGERLAVOIE

The judgment is affirmed.

MORRISON, J.

We concur: BLEASE, Acting P.J.
SIMS, J.

TUESDAY, DECEMBER 23, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026278 BUSY BEE BAIL BONDS

The judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025920 ROSARIO HIGUERA GASTELUM

The judgment is affirmed.

SIMS, Acting P.J.

We concur: DAVIS, J.
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C021207 DERICK WAYNE ERVIN

The restitution fine is reduced to \$9,868. The superior court is directed to amend the abstract of judgment to reflect this reduced fine and to forward a copy of the amended abstract to the Department of Corrections. The conviction is affirmed as modified without prejudice to the defendant's filing a petition for writ of habeas corpus. People v. Furhman, supra, 16 Cal.4th at pp. 945-946.)

MORRISON, J.

We concur: BLEASE, Acting P.J.
SCOTLAND, J.

Civil In re the Marriage of RODNEY S. and FRANKIE L. BARRON

No. RODNEY S. BARRON (Not for Publication)

C025725 vs.

FRANKIE L BARRON

The judgment is affirmed. Husband shall recover his costs on appeal.

MORRISON, J.

We concur: SIMS, Acting P.J.
SCOTLAND, J.

TUESDAY, DECEMBER 23, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C021865 ERIN HOLLENBECK

The conviction is affirmed. The sentence is vacated. The matter is remanded to the trial court for the purpose of allowing the court to exercise its discretion whether to strike any of defendant's prior serious felony convictions. If the trial court strikes sufficient priors, it shall resentence defendant. If the trial court declines to strike the priors, it shall reinstate the sentence previously imposed.

SIMS, J.

We concur: BLEASE, Acting P.J.
SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C024741 TYGER MARIE HOGUE

The order is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
SIMS, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026342 DAVID KEITH MEADOWS

The judgment is affirmed.

RAYE, J.

We concur: DAVIS, Acting P.J.
CALLAHAN, J.

MONDAY, DECEMBER 29, 1997

MISC. ORDER

97-08

By the Court:

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in Rules 75, 76, 77 and 78 of the California Rules of Court during the absence of the Presiding Justice from the Court for the period of December 31, 1997, through January 2, 1998, or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

Dated: December 29, 1997

PUGLIA, P.J.

Civil

No.

C025138

IN THE MATTER OF THE ESTATE OF JEAN CYMBAL, Deceased
HELENA CYMBAL SYLVESTER

vs. (Not for Publication)

DEREK CYMBAL

The judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.

BLEASE, J.

Civil

No.

C025670

GAY & TAYLOR INSURANCE ADJUSTERS
AND RISK SERVICES

vs. (Not for Publication)

DANIEL THIEMANN

The orders are affirmed.

DAVIS, J.

We concur: SIMS, Acting P.J.

MORRISON, J.

The court's September 18, 1996 order that Reiger pay Henderson \$101.00 per month in child support is reversed and the matter is remanded for recalculation of Reiger's time with her children, In accordance with the views expressed in this opinion. Reiger shall recover costs on appeal.

MORRISON, J.

SCOTLAND, J.

SCOTLAND, J.

The judgment of conviction is affirmed. The restitution order is modified to reflect defendant must pay the victim \$38,235 restitution. The trial court is directed to amend the abstract of judgment accordingly and to send a copy of the amended abstract to the Department of Corrections.

RAYE, J.

We concur: SIMS, Acting P.J.
 DAVIS, J.

MONDAY, DECEMBER 29, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C023680 PAUL MORENO

The judgment is affirmed.

SCOTLAND, J.

We concur: SIMS, Acting P.J.

DAVIS, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C023796 BRETT SPENCER GRANT

The convictions and special findings are affirmed. The sentence is vacated and the matter is remanded to the trial court to allow it to exercise its discretion whether to strike one or both of defendant's prior serious felony convictions.

SCOTLAND, J.

We concur: SIMS, Acting P.J.

DAVIS, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C024670 RAYDEAN GILES

The judgment is modified by reducing each restitution fine to \$200. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect this modification and to send a copy of the amended abstract to the Department of Corrections.

SCOTLAND, J.

We concur: PUGLIA, P.J.

CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C023741 LUCAS GONZALES, JR.

The judgment is affirmed.

MORRISON, J.

We concur: DAVIS, Acting P.J.

RAYE, J.

MONDAY, DECEMBER 29, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C024682 GEORGE MICHAEL GREIG

The judgment of dismissal is affirmed.

MORRISON, J.

We concur: PUGLIA, P.J.
SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C023871 FRANCISCO ESTALA

The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment and to forward a certified copy to the Department of Corrections.

NICHOLSON, J.

We concur: SIMS, Acting P.J.
RAYE, J.

Civil THOMAS BECKMAN ET AL. (Not for Publication)

No. vs.

C025376 SUPERIOR COURT EL DORADO COUNTY
FRANK VANCE TURNER and COUNTY OF EL DORADO

Let a peremptory writ of mandate issue directing the trial court to
(See Opinion) The alternative writ is discharged. Petitioners are awarded their costs. Stay is dissolved.

DAVIS, J.

We concur: PUGLIA, P.J.
BLEASE, J.

Civil TONY CHAVEZ (Not for Publication)

No. vs.

C023508 CALIFORNIA STATE PERSONNEL BOARD

The judgment is affirmed.

SCOTLAND, Acting P.J.

We concur: RAYE, J.
MORRISON, J.

MONDAY, DECEMBER 29, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. vs.
C022876 MIGUEL RICO

The judgment of sentence is reversed and the case remanded to the trial court to exercise its discretion whether to impose consecutive sentences on counts one and three. In all other respects the judgment is affirmed.

BLEASE, Acting P.J.

We concur: SIMS, J.
SCOTLAND, J.

Civil In re the Marriage of PATRICIA E. and MELBER L. TUCKER
No. PATRICIA E. TUCKER (Not for Publication)
C025403 vs.
MELBER L TUCKER

The judgment is reversed; the Mother shall recover her costs of this appeal.

BLEASE, Acting P.J.

We concur: NICHOLSON, J.
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C024141 RANDALL A. SORENSEN

The sentence is modified to reflect a presentence custody credit of 165 days. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment to reflect the correct presentence credit and to forward a certified copy to the Department of Corrections.

BLEASE, Acting P.J.

We concur: SIMS, J.
RAYE, J.

MONDAY, DECEMBER 29, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025924 DEL LEON PRUITT

The section 667.5, subdivision (b) enhancement based on defendant's 1982 robbery conviction is stricken. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the modification and to forward a copy of the amended abstract to the Department of Corrections.

SCOTLAND, J.

We concur: PUGLIA, P.J.
BLEASE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025813 ANTHONY IBARRA

The trial court is ordered to prepare corrected abstracts of judgment-- in case No. 95CR0395, the statute violated was Health and Safety Code section 11378 and in case No. 96CR1847, the lower term was imposed for violation of Penal Code section 4573.6. The trial court shall furnish copies of these corrected abstracts to the Department of Corrections. In all other respects, the judgments are affirmed.

RAYE, J.

We concur: SIMS, Acting P.J.
DAVIS, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026853 MAURICE HILL

The trial court is directed to amend the sentencing minutes and abstracts of judgment to show an award of time credits as set forth above and to forward a copy of the amended abstracts to the Department of Corrections. As modified, the judgment is affirmed.

SCOTLAND, J.

We concur: PUGLIA, P.J.
RAYE, J.

TUESDAY, DECEMBER 30, 1997

Crim. THE PEOPLE (Not for Publication)

No. vs.

C024056 DAVID RICHARD WILLIAMS

The judgment is affirmed.

SCOTLAND, J.

We concur: PUGLIA, P.J.

BLEASE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026347 DOUGLAS CRAIG LAFAUCI

The judgment is affirmed.

SCOTLAND, J.

We concur: PUGLIA, P.J.

BLEASE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C027084 KENNETH E. HUNT

The judgment is affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.

NICHOLSON, J.

Civil STANLEY JANZEN, Deceased et al.

No. vs.

C024918 WORKERS' COMPENSATION APPEALS BOARD ET AL.

The order of the board on reconsideration is annulled and the matter remanded for further proceedings consistent with the views expressed in this opinion. Petitioner shall recover her costs of this proceeding.

PUGLIA, P.J.

We concur: BLEASE, J.

RAYE, J.

We concur: DAVIS, J.
 NICHOLSON, J.

WEDNESDAY, DECEMBER 31, 1997

Civil
No.
C024215

CONRAD J. BAHRE, ET AL.
vs.
SETH SICROFF

By the Court:

Appellant's motion to recall the remittitur and reinstate the appeal is granted. The Sacramento County Clerk is directed to forthwith return the remittitur issued on February 24, 1997. The order of this court dated December 23, 1996, dismissing the appeal for failure to make arrangements for payment for preparation of the record on appeal is vacated and the appeal reinstated.

Appellant is directed to forthwith pay for the preparation of the record on appeal with the Sacramento County Clerk and provide this court with evidence of having done so by January 12, 1998. The clerk is authorized to accept the payment if tendered within the time provided and to proceed with the preparation of the record on appeal.

Dated: December 31, 1997

PUGLIA, P.J.

WEDNESDAY, DECEMBER 31, 1997 CONTINUED

Crim. THE PEOPLE
No. vs.
C027626 SONIE MARTINEZ
By the Court:

Pursuant to the written request of appellant, the appeal filed September 25, 1997, is dismissed. It is further ordered that the remittitur issue forthwith. (See Cal. Rules of Court, rule 38.)

Dated: December 31, 1997

BLEASE, Acting P.J.

Crim. THE PEOPLE
No. vs.
C027426 DAVID ELMER SMITH
By the Court:

Pursuant to the written request of appellant, the appeal filed August 28, 1997, is dismissed. It is further ordered that the remittitur issue forthwith. (See Cal. Rules of Court, rule 38.)

Dated: December 31, 1997

BLEASE, Acting P.J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C027054 RONALD CHARLES WIEBE
The judgment is affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C027540 LUIS CHUA JOSE
The judgment is affirmed.

PUGLIA, P.J.

We concur: DAVIS, J.
NICHOLSON, J.

WEDNESDAY, DECEMBER 31, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C024942 OSCAR JOSEPH GARCIA

The judgment is affirmed.

MORRISON, J.

We concur: SIMS, Acting P.J.
DAVIS, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C021922 FILIBURTO OLIVAREZ

The conviction is affirmed, the sentence is vacated, and the matter is remanded to the trial court to allow the court to exercise its discretion whether to strike defendant's serious felony convictions. If the trial court strikes either or both priors, it shall resentence defendant. If the trial court declines to strike the priors, it shall reinstate the sentence previously imposed.

MORRISON, J.

We concur: BLEASE, Acting P.J.
SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026403 JAMES FLOYD HOGAN

The judgment is affirmed.

MORRISON, J.

We concur: DAVIS, Acting P.J.
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026194 KENNETH DOUGLAS DEARMAN

The judgment is affirmed.

MORRISON, J.

We concur: DAVIS, Acting P.J.
CALLAHAN, J.

WEDNESDAY, DECEMBER 31, 1997 CONTINUED

Juvenile In re TYSON S., A Person under the Juvenile Court Law
No. THE PEOPLE (Not for Publication)
C026376 vs.
TYSON S.

The judgment is modified by striking the additional one year punishment imposed pursuant to Penal Code section 12022, subdivision (b). The juvenile court is directed to recalculate the maximum permissible term of incarceration, to amend the commitment accordingly, and forward a copy thereof to the Youth Authority. As modified, the judgment (commitment to the Youth Authority) is affirmed.

PUGLIA, P.J.

We concur: NICHOLSON, J.
CALLAHAN, J.

Juvenile In re FILIBERTO L., A Person under the Juvenile Court Law
No. THE PEOPLE (Not for Publication)
C025844 vs.
FILIBERTO L.

The judgment (order of suitable placement) is reversed and the petition filed pursuant to section 778 is ordered dismissed. The matter is remanded to the juvenile court with directions to review the minor's circumstances and to reinstate its previous dispositional order if those circumstances have not significantly changed.

MORRISON, J.

We concur: PUGLIA, P.J.
SCOTLAND, J.

Civil ELEANOR TURNER ET AL. (Not for Publication)
No. vs.
C025048 SAN JOAQUIN COUNTY ET AL.
The judgment is affirmed.

PUGLIA, P.J.

We concur: SIMS, J.
SCOTLAND, J.

WEDNESDAY, DECEMBER 31, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C027126 MICHAEL MAURICE RICHMOND

The judgment is affirmed.

PUGLIA, P.J.

We concur: DAVIS, J.
NICHOLSON, J.

